

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WILLIAM FARRINGTON,

Plaintiff,

vs.

INFOWARS, LLC,

Defendant.

No. 1:20-cv-00332-LY

**DEFENDANT INFOWARS, LLC'S
ANSWER TO PLAINTIFF'S
COMPLAINT**

Defendant Infowars, LLC ("Infowars") hereby answers the allegations of Plaintiff William Farrington's Complaint as follows:

NATURE OF THE ACTION

1. Defendant responds to the Nature of the Action as prefatory material to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in this Paragraph.

JURISDICTION & VENUE

2. Answering Paragraph 2, Defendant contends that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

3. Answering Paragraph 3, Defendant contends that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

4. Answering Paragraph 4, Defendant contends that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

PARTIES

5. Answering Paragraph 5, Defendant is without knowledge or information sufficient for it to admit or deny the allegations of the Paragraph. As such, it denies its allegations.

6. Answering Paragraph 6, Defendant admits the allegations contained in the Paragraph.

STATEMENT OF FACTS

7. Answering Paragraph 7, Defendant is without knowledge or information sufficient for it to admit or deny the allegations of the Paragraph. As such, it denies its allegations.

8. Answering Paragraph 8, Defendant is without knowledge or information sufficient for it to admit or deny the allegations of the Paragraph. As such, it denies its allegations.

9. Answering Paragraph 9, Defendant is without knowledge or information sufficient for it to admit or deny the allegations of the Paragraph. As such, it denies its allegations.

10. Answering Paragraph 10, Defendant is without knowledge or information sufficient for it to admit or deny the allegations of the Paragraph. As such, it denies its allegations.

11. Answering Paragraph 11, Defendant admits that Defendant ran the article referenced on August 10, 2019. Defendant asserts that the article speaks for itself and denies each and every allegation of the Complaint that is inconsistent with the article.

12. Answering Paragraph 12, Defendant is without knowledge or information sufficient for it to admit or deny the allegations of the Paragraph. As such, it denies its allegations.

13. Answering Paragraph 13, Defendant is without knowledge or information sufficient for it to admit or deny the allegations of the Paragraph. As such, it denies its allegations.

FIRST CLAIM FOR RELIEF

Copyright Infringement – 17 U.S.C. §§ 106, 501

14. Defendant incorporates its responses to the prior paragraphs as if set forth fully herein.

15. Answering Paragraph 15, Defendant denies the allegations contained in the Paragraph.

16. Answering Paragraph 16, Defendant asserts that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

17. Answering Paragraph 17, Defendant denies the allegations contained in the Paragraph.

18. Answering Paragraph 18, Defendant asserts that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

19. Answering Paragraph 19, Defendant asserts that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

20. Answering Paragraph 20, Defendant asserts that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

SECOND CLAIM FOR RELIEF

Integrity of Copyright Management Information – 17 U.S.C. § 1202

21. Defendant incorporates its responses to the prior paragraphs as if set forth fully herein.

22. Answering Paragraph 22, Defendant denies the allegations contained in the Paragraph.

23. Answering Paragraph 23, Defendant denies the allegations contained in the Paragraph.

24. Answering Paragraph 24, Defendant asserts that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

25. Answering Paragraph 25, Defendant denies the allegations contained in the Paragraph.

26. Answering Paragraph 26, Defendant denies the allegations contained in the Paragraph.

27. Answering Paragraph 27, Defendant asserts that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

28. Answering Paragraph 28, Defendant asserts that it contains a conclusion of law to which no response is required. To the extent that a response is required, Defendant denies the allegations of the Paragraph.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiff's Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Plaintiff's copyright claims are barred by copyright invalidity because Plaintiff is not the owner of the alleged copyrighted works.

Third Affirmative Defense

Plaintiff's copyright claims are barred from enforcement because any copyrights were improperly registered.

Fourth Affirmative Defense

Plaintiff's copyright claims are barred in that any copying alleged by Plaintiff was, at most, *de minimis*.

Fifth Affirmative Defense

Plaintiff's copyright infringement claims are barred by the doctrine of fair use.

Sixth Affirmative Defense

Plaintiff's copyright claims are barred, in whole or in part, by the copyright owner's permission or grant of a license.

Seventh Affirmative Defense

Plaintiff's copyright claims are barred by the doctrine of copyright misuse.

Eighth Affirmative Defense

The alleged damages sustained by Plaintiff, if any, are the proximate result of the acts and/or omissions of parties over which Defendant exercised no control.

Ninth Affirmative Defense

Plaintiff is not entitled to statutory damages or attorneys' fees because Plaintiff did not timely register his alleged copyright.

Tenth Affirmative Defense

Plaintiff has suffered no harm and/or irreparable harm as a consequence of Defendant's alleged acts or omissions.

Eleventh Affirmative Defense

Plaintiff's claims are barred by his failure to join one or more indispensable parties to this litigation.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays that the Court enter judgment as follows:

- A. Entering judgment for Defendant on all claims made against it in the Complaint, and ordering that Plaintiff is entitled to no relief whatsoever with regard to the Complaint;
- B. Entering an Order directing that Plaintiff pay Defendant's attorneys' fees and costs pursuant to any applicable law; and
- C. Granting Defendant such other and further relief as the Court may deem just.

Dated: June 25, 2020.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza (*pro hac vice*)

Ronald D. Green (*pro hac vice*)

RANDAZZA LEGAL GROUP, PLLC

2764 Lake Sahara Drive, Suite 109

Las Vegas, NV 89117

Bradley J. Reeves (TX Bar No. 24068266)

REEVES LAW, PLLC

702 Rio Grande Street, Suite 306

Austin, TX 78701

Attorneys for Defendant

Infowars, LLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 25th day of June 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully Submitted,

/s/Marc J. Randazza

Marc J. Randazza

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